

4423
BILL NO. Z-90-03-26

1 ZONING MAP ORDINANCE NO. Z- 01-90

2 AN ORDINANCE amending the City of
3 Fort Wayne Zoning Map No. R-14.

4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
5 FORT WAYNE, INDIANA:

6 SECTION 1. That the area described as follows is
7 hereby designated an B-1-B (Limited Business) District under
8 the terms of Chapter 33 of the Code of the City of Fort
9 Wayne, Indiana of 1974:

10 The North 160 feet of the West 25 feet of Lot 35 except
11 that portion taken for street right-of-way in J. H.
12 Feichter's Garden View Addition,

13 and the symbols of the City of Fort Wayne Zoning Map No. R-
14, as established by Section 11 of Chapter 33 of the Code
15 of the City of Fort Wayne, Indiana are hereby changed
16 accordingly.

17 SECTION 2. That this Ordinance shall be in full force
18 and effect from and after its passage and approval by the
19 Mayor.

20 
21 Janet G. Bradbury
22 Councilmember

23 APPROVED AS TO FORM AND LEGALITY:

24 
25 J. TIMOTHY McCAULAY, CITY ATTORNEY
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Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON	
Zoning Ordinance Amendment From RB to B-1-B			
DETAILS		POSITIONS	RECOMMENDATIONS
Specific Location and/or Address 3202 E State B1		Sponsor Area Affected	City Plan Commission City Wide Other Areas
Reason for Project To bring it in compliance with the use and the adjacent property.		Applicants/ Proponents Opponents	Applicant(s) National Oil Company City Department Other Groups or Individuals Basis of Opposition
Discussion (Including relationship to other Council actions) <u>19 March 1990 - Public Hearing</u> Ed Moppert, attorney, appeared before the Commission. He stated that he represented National Oil Corporation as well as the owners of the property Mr. & Mrs. Schupe. He stated that he was really doing "house-keeping". He stated that historically the Sun Oil Company some 30 to 35 years assumed that this strip was part of the B-1-B and have been using it as such for years. He stated that they checked and discovered that this strip had never been rezoned. He stated they are requesting to zone this strip to B-1-B and bring it in compliance with the use and the adjacent property. He stated that National Oil has no objections to the landscape suggestions of the staff and they concur fully. There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.		Staff Recommendation Board or Commission Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)		<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass	

Read the first time in full and on motion by Brady, seconded by Edmonds, and duly adopted, read the second time by title and referred to the Committee on Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City County Building, Fort Wayne, Indiana, on 19, the o'clock M.E.S.T.

DATED: 3-27-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Brady, seconded by Edmonds, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
<u>TOTAL VOTES</u>	<u>9</u>			
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>EDMONDS</u>	<u>✓</u>			
<u>GiaQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 4-24-90

Nedja Ecker
SANDRA E. KENNEDY, CITY CLERK
Deputy

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-01-90 on the 24th day of April, 1990

ATTEST:

(SEAL)

Nedja Ecker
SANDRA E. KENNEDY, CITY CLERK
Deputy

Marvin S. Reed
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of April, 1990, at the hour of 11:30 o'clock A.M., E.S.T.

Nedja Ecker
SANDRA E. KENNEDY, CITY CLERK
Deputy

Approved and signed by me this 26th day of April, 1990, at the hour of 6:50 o'clock P.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No. 7281

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.,

2-14 19

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

Community Planning \$ 100.00

\$

DOLLARS

100

PAID BY: CASH CHECK M.O.

AUTHORIZED SIGNATURE

2017

*Regent of
3002 E. State St.
Folsom*

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. 7281DATE FILED 2-14-90

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATEI/We National Oil Corporation
(Applicant's Name or Names)do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RB District to a/an B1B District the property described as follows:The North 160 feet of the West 25 feet of Lot 35 except that
portion taken for street right-of-way in J.H. Feichter's
Garden View Addition

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

3202 State Street

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

National Oil CorporationP.O. Box 476Edward B. Moppert
Pres.Bluffton, IN 46714(Name)(Address)(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept requests from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

Edward J. Moppert
(Name)1212 Anthony Wayne Building
Fort Wayne, IN 46802(Address & Zip Code)(219) 423-3331(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

The North 160 feet of the West 25 feet of Lot 35 except that
portion taken for street right-of-way in J.H. Feichter's
Garden View Addition.

Owners of Property

John W. Shopp

Jane I. Shopp

(Name)

111 Pickwick St

Syracuse, IN 46567

(Address)



Agent for John
W. & Jane I. Shopp

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

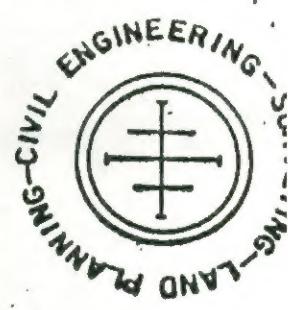
NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

David M. Anderson

REGISTERED PROFESSIONAL ENGINEER (IND. NO. 17718)
REGISTERED LAND SURVEYOR (IND. NO. S0402)
FORT WAYNE, INDIANA



CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying made in accordance with the records or plat on file in the Recorder's Office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

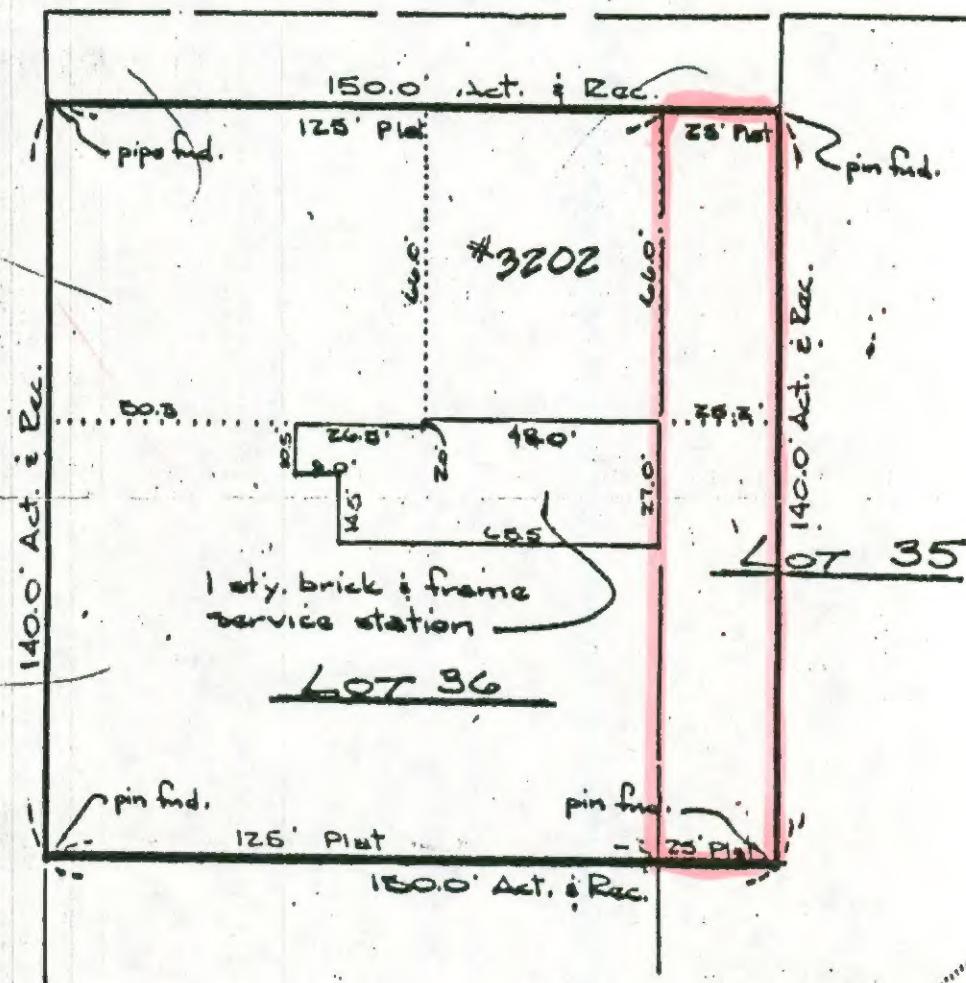
DESCRIPTION OF REAL ESTATE

The North 160 feet of Lot #36 and the North 160 feet of the West 25 feet of Lot #35, except that portion taken for street right-of-way in J.H. Feichter's Garden View Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

This property is not in a special flood hazard area as defined by the FEMA Floodway Boundary Map Panel No. 05, effective April 3, 1985.

STATE STREET

HOBSON ROAD



I hereby certify on the 17th day of SEPTEMBER, 1987, that the above survey is correct.
Surveyed for: SHOPPE-TOCCI/SCHRADER-HUGHES
Survey No.: AD-167

Kathy Goonen



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 27, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-90-03-26; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 19, 1990.

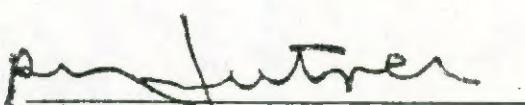
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 26, 1990.

Certified and signed this
27th day of March 1990.



Robert Huther
Secretary

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 3202 E State B1

2-98-03-26

EFFECT OF PASSAGE Property is presently zoned RB - Suburban Residential.

Property will become B-1-B - Limited Business.

EFFECT OF NON-PASSAGE Property will remain RB - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGN TO COMMITTEE (J.N.) _____

BILL NO. Z-90-03-26

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of
Fort Wayne Zoning Map No. R-14

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

J. Bradbury
DSchmidt
Samuel Talarico

DATED: 4-24-90

Sandra E. Kennedy
City Clerk

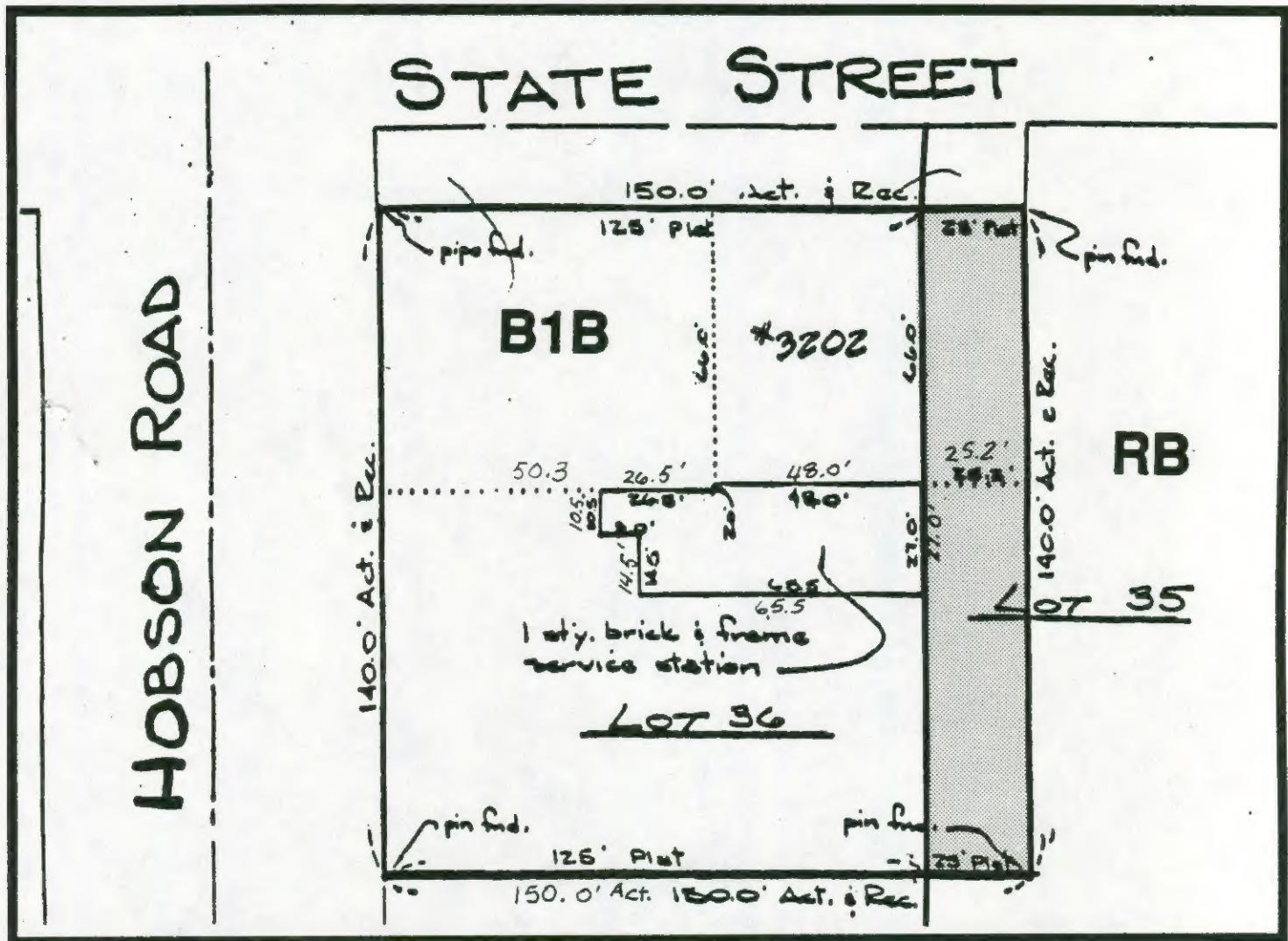
REZONING PETITION

#433

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A RB DISTRICT TO A B1B DISTRICT.

MAP NO. R-14

COUNCILMANIC DISTRICT NO. 2



ZONING:

B1B LIMITED BUSINESS "B"

RB RESIDENCE "B"

LAND USE:

COMMERCIAL

SCALE: 1"=40'

DATE: 3-6-90

